



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,295	08/03/2000	Jay S. Walker	96-200X	1956

22927 7590 11/20/2001

WALKER DIGITAL
FIVE HIGH RIDGE PARK
STAMFORD, CT 06905

EXAMINER

WEISBERGER, RICHARD C

ART UNIT PAPER NUMBER

2164

DATE MAILED: 11/20/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/632,295	Applicant(s) WALKER ET AL.	
	Examiner Richard C Weisberger	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claims 1-60 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) ____. |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to a credit requesting system, classified in class 705, subclass ***. (where *** = various)
- II. Claims 10-18 are, drawn to a method for requesting credit, classified in class 705, subclass ***.
- III. Claims 19-22 drawn to a computer readable medium classified in class 705 , subclass ***.
- IV. Claims 23-29, drawn to a credit line issuing system, classified in class 705, subclass ***.
- V. Claims 30-31 , drawn to a method for issuing a credit line, classified in class 705, subclass ***.
- VI. Claims 32-33, drawn to a computer readable medium, classified in class 705, subclass ***.
- VII. Claims 34-40, drawn to a method of establishing a credit line for a customer, classified in class 705, subclass ***.
- VIII. Claims 41-47, drawn to a method of establishing a credit line for a customer, classified in class 705 subclass ***.
- IX. Claims 48-51, drawn to a method of establishing a credit line for a customer , classified in class 705 subclass ***.

Art Unit: 2164

- X. Claims 52-53, drawn to a method for activating a credit card, classified in class 705, subclass ***.
- XI. Claims 54-55, drawn to a method for activating a credit card, classified in class 705, subclass ***.
- XII. Claims 56, drawn to a method for requesting a credit, classified in class 705, subclass ***.
- XIII. Claims 57-58 drawn to a method of requesting credit, classified in class 705 subclass ***.
- XIV. Claims 59 is, drawn to a method for obtaining credit, classified in class 705, subclass ***.
- XV. Claims 60 is, drawn to a method for obtaining credit, classified in class 705, subclass ***.

The inventions are distinct, each from the other because of the following reasons:

✓ Inventions I-III are grouped together but are unrelated to invention IV which are unrelated to inventions V-VI (which are grouped together) which are unrelated to inventions VII-IX (which are grouped together) which are unrelated to inventions X-XI (which are grouped together) which are unrelated to inventions XII-XIII (which are grouped together) which are unrelated to inventions XIV-XV (which are grouped together). Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions the inventions have different modes of operation.

✓

Art Unit: 2164

Because these inventions are distinct for the reasons given above and the search required for unrelated Groups is not required.

This application contains claims directed to the following patentably distinct species of the claimed invention:

- Ia. Claims 1-9, drawn to a credit requesting system, classified in class 705, subclass ***.
- IIb. Claims 10-18 are, drawn to a method for requesting credit, classified in class 705, subclass ***.
- Ic. Claims 19-22 drawn to a computer readable medium classified in class 705 , subclass ***.
- 2a. Claims 30-31 , drawn to a method for issuing a credit line, classified in class 705, subclass ***.
- 2b. Claims 32-33, drawn to a computer readable medium, classified in class 705, subclass ***.
- 3a. Claims 34-40, drawn to a method of establishing a credit line for a customer, classified in class 705, subclass ***.
- 3b. Claims 41-47, drawn to a method of establishing a credit line for a customer, classified in class 705 subclass ***.
- 3c. Claims 48-51, drawn to a method of establishing a credit line for a customer , classified in class 705 subclass ***.

Art Unit: 2164

- 4a. Claims 52-53, drawn to a method for activating a credit card, classified in class 705, subclass ***.
- 4b. Claims 54-55, drawn to a method for activating a credit card, classified in class 705, subclass ***.
- 5a. Claims 56, drawn to a method for requesting a credit, classified in class 705, subclass ***.
- 5b. Claims 57-58 drawn to a method of requesting credit, classified in class 705 subclass ***.
- 6a. Claims 59 is, drawn to a method for obtaining credit, classified in class 705, subclass ***.
- 6b. Claims 60 is, drawn to a method for obtaining credit, classified in class 705, subclass ***.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for each group of inventions prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none is for any single invention.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to *** on *** to request an oral election to the above restriction requirement, but did not result in an election being made.


Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Art Unit: 2164

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C Weisberger whose telephone number is 703 308 4408. The examiner can normally be reached within one business day. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vince Millin can be reached on 703 308 1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703 746 7239 for regular communications and 703 746 7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 306 5463.

 Richard C Weisberger
Primary Examiner
Art Unit 2164

November 19, 2001